

CITY COUNCIL - CITY OF LODI  
COUNCIL CHAMBERS, CITY HALL  
JULY 2, 1952

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, July 2, 1952; Councilmen Richey, Robinson, Preszler, Rinn and Haskell (Mayor) present; none absent.

Minutes of the previous meeting of June 25, 1952, were approved as written, copies thereof having been mailed each councilman prior to this meeting.

COMMUNICATIONS

CIVIL DEFENSE MEETING      The City Manager read a letter from George Ohm, County Coordinator of Civil Defense, inviting Mayor Haskell and one representative from the City of Lodi to a dinner meeting, July 9, at the California Hotel to discuss the Civil Defense program in San Joaquin County.

CLAIM -  
SIDEWALK  
INJURY      Letter from Reuben P. Rott, attorney for Margaret Lancaster, 220 West Oak Street, presenting claim of his client for damages from the City of Lodi for injury sustained on May 10, 1952, on a defective sidewalk on the east side of School Street near the corner of Oak Street. Damages claimed in the amount of \$2,500.00. On the motion of Councilman Rinn, Preszler second, the claim was filed and the matter ordered to the attention of the City's insurance carrier.

PUBLIC HEARINGS

ORD. 459  
REZONING LOT  
IN BLOCK 12  
HUTCHINS ADD.      At this time the Mayor declared the meeting open for hearing on the matter relating to the proposed rezoning of the Bockenheim property at the corner of Lee Street and Lodi Avenue. No objections were presented. Ordinance No. 459, "AMENDING THE ZONE DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING AND RECLASSIFYING CERTAIN PROPERTIES IN BLOCK 12, HUTCHINS ADDITION, TO BE IN THE COMMERCIAL DISTRICT ZONE", was introduced by unanimous vote.

CHESTNUT-  
CRESCENT  
STREET  
OPENING      Mayor Haskell then introduced the subject of the opening of Chestnut and Crescent Streets by reviewing the actions taken by the City Council up to this announced hearing. He concluded his remarks by stating that it was his belief that the matter should be returned to the Planning Commission for further consideration; however, the Council welcomed the views and expressions of those present. He then opened the meeting to public hearing. Mr. Peter Torpegaard addressed the Council and protested the proposed site for Chestnut Street, saying that he favored the original plan locating the center line of the street approximately 25 feet north of its present location. He pointed out that the present plan will necessitate the moving of his dwelling. Mr. Robert Litts, attorney representing W. H. Franklin, spoke on behalf of the present plans. C. D. Posey protested that the original signers of the petition requesting the extension of Chestnut Street had not been consulted on the matter of the change of location for the street and suggested that the change of location was just a move to delay the proceedings. Mayor Haskell explained that the City was not interested in the matter of the street opening as a matter of public necessity, but was willing to act in accordance with the best interests of the people concerned.

Therefore the people affected by the street opening should get together and present a plan which would be generally acceptable. Councilman Rinn stated that the Council was interested to the extent that the proposed street be located in a reasonable relation with that part of the street which exists at the present time, that the costs of the project be borne by those people directly benefited; and that the width of the pavement should be at least 40 feet with a right of way of 50 feet. Mr. Sidney W. Allison protested the extension of Crescent Street, stating that such extension would cause his home to be moved and that a great deal of expense would be involved in the moving of the well and pipes. Councilman Rinn then moved that the matter be referred to the City Planning Commission again with the request that a hearing be held before the Commission giving the interested parties an opportunity to express themselves, and that a memorandum containing the information received at the hearing before the Council be sent to the Commission. The motion was seconded by Councilman Preszler and passed.

#### REPORTS OF THE CITY MANAGER

##### AWARD LEGAL ADVERTISING FOR YEAR 1952-53

The City Manager reported that the bids received for the publication of the legal advertising for the coming fiscal year indicated that the bid of the Lodi News-Sentinel was the lowest and best bid. On motion of Councilman Rinn, Richey second, Resolution No. 1688, awarding the contract to the News-Sentinel, was adopted.

Mr. Weller then reported that he had consulted the City Engineer, as requested at the June 25 meeting, regarding the proposed statement of policy designed to clarify the responsibility of the subdivider for the improvement of streets abutting his subdivision. After a minor change in wording, the City Engineer expressed his concurrence in the proposed statement. Councilman Robinson moved that policy statement be adopted as read, and that the complete statement be entered in the minutes. With a second by Councilman Preszler, the motion was adopted. The complete statement of policy is as follows:

##### POLICY CLARIFICATION RE: STREET IMPROVEMENTS BY SUBDIVIDERS

As an extension of present City policy, the City Council determines: Where a subdivision or a similar development is contemplated in an area abutting on a proposed street outside and immediately adjacent to the proposed subdivision or development, the subdivider or developer shall be required to finance as the City Council may direct the curb and gutter, paving, storm drains and catch basins in the one-half of said proposed street closer to his subdivision or development.

The other one-half of such proposed street shall be assessed against properties abutting on the other side, whether the same constitutes an existing subdivision, admitted and developed prior to the adoption of this policy, or land and improvements developed otherwise than by subdivision. If, in the opinion of the City Council, the said abutting properties are not capable of development or not anticipated to be developed within a reasonable time, the City shall advance the agreed cost of one-half the expense of developing said street, and such advance shall thereupon become a lien against said abutting properties, on the basis of front footage, as the same are developed.

Where a subdivision or similar development is contemplated in an area abutting on an existing street surfaced to a standard inferior to the then-existing City requirements, said subdivider or developer shall be required to pay one-half the cost of raising said street to proper standards and shall otherwise meet the requirements as set forth above. If any such existing street is contained wholly or partly within a proposed subdivision or development, said subdivider or developer shall pay all costs or an appropriate proportion of costs if said street is partly within the area of proposed development, required for the raising of said street to required standards, and shall otherwise meet the requirements as set forth above.

In the event that the property abutting the other side of an inferior street is an existing subdivision or similar development developed in conformity with City policies and requirements existing at the time of acceptance of said existing subdivision or development, the City shall accept responsibility for raising that part of the inferior street otherwise chargeable to the abutting properties comprising the existing subdivision or development to required standards. It is the intent of this policy that subdividers or developers, having at the time of subdivision or development accepted and carried out then-existing City subdivision requirements, will not be required to bear the cost of higher standards subsequently adopted by the City.

SUGGEST:  
CITY COUNCIL  
MEET WITH  
COUNTY SUPER-  
VISORS RE:  
IMPROVING  
STREETS

Mayor Haskell suggested that the City Manager write a letter to the County Board of Supervisors suggesting a meeting between the Board of Supervisors and the City Council for the purpose of reaching an agreement for the improvement of those streets which are in both City and County territory, notably, Ham Lane and Hutchins Street.

POLICY RE:  
STORM DRAINS  
IN SUBDIVI-  
SIONS

Mr. Weller explained that the City Engineer has experienced difficulty in applying the present policy relating to the installation of storm drains in new subdivisions. Present policy calls for the subdivider to install storm drains where it is deemed necessary by the City. However, the situation arises where land in one subdivision does not require storm drains, but the run-off from the land contributes to the drainage problem in an adjoining subdivision. In this case the first subdivider experiences no costs while the second subdivider must stand the costs for draining his own land plus the additional costs of removing water from the adjoining property. Mr. Weller suggested that a flat acreage storm drain fee be charged each subdivider prior to the acceptance of the subdivision map. Such a fee would not be designed to increase the cost to the subdivider, but to ease the computation of costs by the City Engineer and to spread the costs to include all lands which contribute to the drainage problem. He further stated that the policy is not clear as to just where the subdivider's responsibility for storm drains ends and where the City's responsibility begins. To the question by Mayor Haskell as to the size of the fee, Mr. Weller stated that no specific amount had been arrived at yet. Mr. Haskell stated that he preferred to postpone action on the matter until a realistic figure could be suggested. Councilman Rinn suggested that the City Manager prepare a memorandum to the Council which would include a specific recommendation.

HOLD OVER  
DETERMINATION  
OF WIDTH OF  
SOUTH HUTCHINS  
STREET

The City Manager reported that a resident on South Hutchins Street wished to install a curb and gutter in front of his residence which lies between Tamarack and Kettleman Lane. The City Engineer has asked the City Council for a determination of the width of South Hutchins Street in this area in order that he may properly advise the resident on the curb location. The problem arises in that certain curbs presently in existence in the area limit the street width to 48 feet; however, the City Planning Commission has recommended a 56 foot wide street for the entire length of Hutchins Street from Lodi Avenue to Kettleman Lane. If the 56 foot width is maintained, the expense of moving the existing curbs back to the proper line must be considered. If it is now determined that a 48 foot width from Tamarack to Kettleman Lane will be sufficient, the new curb and gutter can be constructed in line with those in existence. Mr. Weller stated that it was his opinion, and that of the City Engineer, that a 48 foot width at this part of Hutchins Street would be sufficient and that the 8 feet thus lost would not affect the traffic enough to justify the expense of moving the existing curbs and gutters. Mayor Haskell expressed his agreement with the views of the City Manager and the City Engineer, particularly pointing out that the additional 8 feet does not increase the number of lanes for traffic. Councilman Robinson expressed the opinion that in so far as there was a possibility for commercial development at the intersection of South Hutchins and Kettleman Lane, the Council should maintain the 56 foot width. Mr. Robinson then moved that the Council adopt at 56 foot width, in travel way, for South Hutchins Street from Lodi Avenue to Kettleman Lane. The motion was seconded by Councilman Preszler. Councilman Rinn recalled that the question of the width of Hutchins Street had been considered on a previous occasion and that he would like to review the material that had been brought before the Council at that time. Upon the withdrawal of the motion by Robinson and the second by Preszler, Rinn moved the matter be carried over until the next meeting at which time a sketch, showing the two proposed street widths, prepared by the City Engineer, could be considered. The motion was seconded by Councilman Robinson and passed.

VACATION  
GRANTED  
CITY MANAGER


The City Manager requested that he be granted a two weeks vacation to begin sometime after the July 16 meeting of the Council. There being no objection, the request was granted.

FURNISHING  
COUNCIL  
CHAMBER

Mayor Haskell proposed and then appointed Councilman Richey as a committee of one to confer with the City Manager and develop plans for the installation of drapes in the City Council Chamber. He further suggested that the City Manager install additional rows of seats in order to bring the audience closer to the Council table.

On the motion of Councilman Rinn, the meeting was declared adjourned at 10:30 o'clock p.m.

Attest:

  
HENRY A. GLAVES  
City Clerk